

**REMARKS**

Claims 1-3 and 6-9 remain in this application. Claims 1-9 are rejected. Claims 4 and 5 are cancelled herein. Claims 1-3 and 6-9 are amended herein to clarify the invention, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

For the convenience of the Examiner, APPENDIX I is provided herewith having a complete set of pending claims with all amendments effected therein.

The title is objected to in the Office Action as being nondescriptive. The title is amended to read "METHOD AND APPARATUS FOR PROVIDING REGULAR UPDATES TO PLAYER CHARACTER STATISTICS IN A SPORT SIMULATION GAME" as suggested in the Office Action to overcome this objection. It is respectfully submitted that the amended title is sufficiently descriptive. Applicant respectfully requests that the objection to the title be withdrawn.

The abstract is objected to on the basis that it does not explain the basis of the invention and merely lists parts. The abstract is amended and a replacement abstract is provided herein on a separate page. It is submitted that the replacement abstract is in full conformance with 37 CFR 1.72 and MPEP 608.01(b). The abstract interrelates the parts, describes that functions, and recites the option

provided to the user to request character data delivery. Therefore, reconsideration of the objection to the abstract is respectfully requested.

Claims 1-4, 8 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Baba reference. Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Independent claims 1 and 9 are amended to incorporate subject matter found in now cancelled claim 5. Claim 5 was not rejected as anticipated by the Baba reference. Therefore, reconsideration of the rejections of claims 1-4, 8 and 9 and their allowance are respectfully requested.

Claims 5-7 are rejected as obvious over the Baba reference in view of the Pearson reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

As noted above, claims 1 and 9 are amended to include subject matter of claim 5 and claim 4 in that the character performance data is recited to be based on

and fluctuate with real life performance of players. The claims are further amended to include the feature that the user of the game may optionally request data delivery of the character performance data which reflect the performance of real-life players.

Pearson is cited for teaching storing and transferring data based on daily game results. As can be seen in Fig. 1 of Pearson, the statistical data is downloaded to a statistical database 120. The downloaded data is transmitted to a central controller 100 and is used and affects the game result. The progress of the game with the updated statistical data of the actual players is carried out with the central controller 100 in combination with a team roster database 130 and a major league roster 110. Each player accesses to the game via an ordinary phone line 108. Each player uses an ordinary telephone 102 to access to the central controller 100 via an ordinary phone line 108 to play a game in such a manner that each player uses a numerical key of the phone 102 to select the answer to the questions provided by the central controller 100.

More specifically, each player accesses to a game by dialing a certain number with his/her phone 102 and input his/her ID numbers and thereafter the player is to select the team members (corresponding to the actual players in the real world). Once the member selections for the team in the virtual game world are completed the rest of the progress of the game is carried out by the central

controller 100 with using updated information which corresponds to the actual performance data of the existing player.

In addition, when the game player wants to trade (change) some of the selected members in the virtual game world by various reasons, such as the game player does not like his performance in the real world, the game player can follow the steps shown in Fig. 8 in that the game player inputs the answer to each of the questions given from the central controller 100 with the use of the numerical (or alphabetical) keys of his/her telephone 102.

Accordingly, an important difference between the present invention and Pearson reference is that each player of the present invention is in a position to decide if he/she wants to download the actual performance data of the existing player in the real world. On the other hand, according to Pearson, it is not up to the game player to decide if the actual performance data needs to be downloaded to the virtual game world as the updating the actual performance data of the existing players is not under the control of the each player, instead it is just periodically conducted with the central controller 100 in combination with the statistical database (and daily calculation of player score) 120.

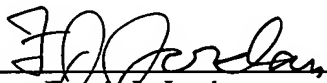
As a result, all the players connected to the central controller 100 of Pearson share the same statistical database that is constantly updated whereas each player of the present invention can make a decision whether the update of the real

world performance data is performed or not. Thus, the player of the present invention can play his/her own virtual game with a virtual player A even if the corresponding actual world player A has returned to his home country. Or the virtual player B whose corresponding real world player B is in hospital for the treatment can play in the virtual world with the good performance. Whether the game player likes to play the virtual game in the above-mentioned manner or not, simply depends upon the player's state of mind. What is important is that according to the present invention, there exists a choice on the game player's side whether updating with the real world data is desired; on the other hand, there exists no choice like that according to the game of Pearson.


Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1-3 and 6-9 and their allowance are respectfully requested.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

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## APPENDIX I

### ALL PENDING CLAIMS WITH AMENDMENTS EFFECTED THEREIN

1. (Currently Amended) A data delivery system comprising:

a game machine for playing a game and which is connected to a network and includes a storage device for storing performance data for game characters corresponding to real-life players, said game machine including a device for optionally requesting delivery of the performance data via the network; and

a server including:

storage means for storing character performance data which is updated and fluctuates based on performance of corresponding real-life characters;

delivery authorization determination means for determining whether or not the game machine is authorized to receive data delivery when an optional request for data delivery is received from said game machine; and

data delivery means for transmitting said character performance data to said game machine based on an instruction from the delivery authorization determination means.

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2. (Currently Amended) The data delivery system according to claim 1, wherein the determination performed by said delivery authorization determination means regarding whether or not data delivery is authorized is performed based on an ID number received from said game machine, and said ID number is an ID number unique to a readable recording medium that stores data necessary for communication between said game machine and said server.

3. (Currently Amended) The data delivery system according to claim 2, wherein the determination performed by said delivery authorization determination means regarding whether or not data delivery is authorized is performed based on both said ID number unique to the readable recording medium and an ID number unique to the game machine, which are received from said game machine.

4. (Cancelled)

5. (Cancelled)

6. (Currently Amended) The data delivery system according to claim 1, wherein said performance data stored in the data storage unit is updated on a daily basis according to daily game results.

7. (Currently Amended) The data delivery system according to claim 4, wherein said game is a match-style game, the game characters appearing therein are simulations the real-life characters which are real athletes and the performance data delivered from said server pertains to game results for the real athletes.

8. (Currently Amended) The data delivery system according to claim 1, wherein when a data delivery request is received from said game machine, said delivery authorization determination means of the server stores the date and time of the first access and authorizes data delivery for only a prescribed period of time.

9. (Currently Amended) A data delivery method that delivers data from a server to a game machine connected thereto via a network, the method comprising the steps of:



storing on the server character performance data which is updated and fluctuates based on performance of corresponding real-life characters;

permitting a user of the game machine to optionally send data delivery request over the network requesting delivery of said character performance prior to playing a game;

receiving the data delivery request from the game machine;  
determining whether or not said game machine is authorized to receive data delivery of the character performance data; and

delivering the character performance data to said game machine if the game machine is authorized to receive the data delivery.